

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6385 of 1996

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HIRALAXMI K SHETH

Versus

COMPETENT AUTHORITY AND ADDL COLLECTOR, RAJKOT  
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Appearance:

MR JR NANAVATI for Petitioner

MR MUKESH PATEL AGP for Respondent No. 1, 2, 3  
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CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 04/08/1999

ORAL JUDGEMENT

1. This petition arises from orders passed under the provisions of the Urban Land (Ceiling & Regulation) Act, 1976.

2. It is common ground on both sides that the State of Gujarat adopted the Urban Land (Ceiling & Regulation) Repeal Act, 1999 on 30th March, 1999.

3. It is also common ground on both sides that by virtue of section 4 of the Repeal Act, all proceedings pending on the said date shall abate.

4. It is so found and accordingly held, and the present petition is disposed off accordingly.

5. Learned AGP states on instructions that the State of Gujarat will abide by the Circular issued by the State Government in the Revenue Department No. ULC/1099-602/V1 dated 15th April, 1999.

6. Rule is accordingly discharged with no order as to costs. Interim relief, if any, stands vacated.

7. It merely requires to be noted on the basis of the record of the present petition, that the order

impugned in the present petition is an order in an appeal under section 33 of the Act of 1976, which arose from the order of the Competent Authority passed under section 9 of the said Act. It would therefore appear that further proceedings have not been taken particularly since by the ad interim order dated 26th August, 1996 passed in the present petition, and confirmed thereafter, both sides were directed to maintain status quo in respect of the subject matter of the present petition. It would therefore appear that the petitioners are in possession of the land in question. It is clarified that these are mere observations on the basis of the record of the present petition, and are not to be regarded as findings of fact upon any factual controversy between the parties.

(Y.B. BHATT, J.)

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